

AMENDED IN ASSEMBLY JUNE 27, 2003

AMENDED IN SENATE APRIL 30, 2003

**SENATE BILL**

**No. 93**

**Introduced by Senator Alpert**

January 28, 2003

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An act to amend Sections 25350, 25350.60, and 25537 of the Government Code, relating to county real property.

LEGISLATIVE COUNSEL'S DIGEST

SB 93, as amended, Alpert. Counties: real property purchases.

(1) Existing law *authorizes the board of supervisors of a county to provide by ordinance for a county officer to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property having a purchase price not exceeding \$25,000.*

*Existing law prohibits the purchase by a county of real property of which the purchase price exceeds \$25,000 unless notice of the intention of the board of supervisors to make the purchase is published in the county, as specified.*

*This bill would authorize the county board of supervisors to provide by ordinance for a county officer to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property. It would require that an ordinance adopted under these provisions establish a dollar limit on any purchase price and would limit a county officer's authority granted by this ordinance to no more than 5 years.*

*This bill would ~~increase to in excess of \$50,000 the purchase price of real property for which also require the intention to purchase~~ ~~must~~ an interest in real property to be published when the purchase price*

*exceeds the dollar limit established by ordinance, or, if no ordinance is adopted, exceeds \$50,000.*

~~(2) Existing law authorizes the board of supervisors of a county to provide by ordinance for a county officer to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property having a purchase price not exceeding \$25,000.~~

~~This bill would increase the purchase price of real property that may be acquired by the county under that authority to an amount not exceeding \$50,000.~~

~~(3)~~

(2) Existing law authorizes the county board of supervisors to exempt from a specified bidding procedure leases or licenses of real property of a duration not exceeding 10 years and having an estimated monthly rental of not exceeding \$5,000.

~~This bill would increase the monthly rental of these leases or licenses, instead, exempt from the bidding procedure to leases or licenses with a monthly rental not exceeding a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, not exceeding \$10,000.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25350 of the Government Code is  
2 amended to read:  
3 25350. No purchase of real property, including any water  
4 right or other interest therein, of which the purchase price is in  
5 excess of *the dollar limit established by ordinance adopted*  
6 *pursuant to Section 25350.60, or, if no ordinance is adopted, in*  
7 *excess of fifty thousand dollars (\$50,000), shall be made unless a*  
8 *notice of the intention of the board of supervisors or, if applicable,*  
9 *the county officer authorized to purchase real property pursuant*  
10 *to Section 25350.60, to make the purchase is published in the*  
11 *county pursuant to Section 6063. If no newspaper is published in*  
12 *the county, the notice shall be posted at least three weeks prior to*  
13 *the time the board meets to consummate the purchase in at least*  
14 *three public places in each supervisorial district. The notice shall*  
15 *contain a description of the property proposed to be purchased, the*

1 price, the vendor, and a statement of the time the board will meet  
2 to consummate the purchase.

3 Nothing contained in this section shall be deemed to preclude  
4 the settlement of an action in eminent domain or the acquisition of  
5 any real property or interest therein for the uses and purposes of  
6 county highways without compliance with this section.

7 SEC. 2. Section 25350.60 of the Government Code is  
8 amended to read:

9 25350.60. (a) The board of supervisors of a county may, by  
10 ordinance, authorize a county officer it deems appropriate to  
11 perform any or all acts necessary to approve and accept for the  
12 county the acquisition of any interest in real ~~property where the~~  
13 ~~purchase price for that interest does not exceed fifty thousand~~  
14 ~~dollars (\$50,000). The property.~~

15 (b) *The authorization shall specify procedures for the exercise*  
16 *of the authority by the officer so designated and shall establish a*  
17 *dollar limit on any purchase price.*

18 (c) *A county officer's authority granted by ordinance under this*  
19 *section may not be effective for more than five years.*

20 SEC. 3. Section 25537 of the Government Code is amended  
21 to read:

22 25537. (a) In any county the board of supervisors may  
23 prescribe by ordinance a procedure alternative to that required by  
24 Sections 25526 to 25535, inclusive, for the leasing or licensing of  
25 any real property belonging to, leased by, or licensed by, the  
26 county. Any alternative procedure so prescribed shall require that  
27 the board of supervisors either accept the highest proposal for the  
28 proposed lease or license submitted in response to a call for bids  
29 posted in at least three public places for not less than 15 days and  
30 published for not less than two weeks in a newspaper of general  
31 circulation, if the newspaper is published in the county, or reject  
32 all bids.

33 (b) Leases or licenses of a duration not exceeding 10 years and  
34 having an estimated monthly rental ~~of not exceeding a dollar limit~~  
35 ~~that may be established by ordinance of the board, or, if no~~  
36 ~~ordinance is adopted,~~ not exceeding ten thousand dollars  
37 (\$10,000), may be excluded from the bidding procedure specified  
38 in subdivision (a), except that notice shall be given pursuant to  
39 Section 6061, posted in the office of the clerk of the board of  
40 supervisors, and if the lease or license involves residential

1 property, notice shall be given to the housing sponsors, as defined  
2 by Sections 50074 and 50074.5 of the Health and Safety Code. The  
3 notice shall describe the property proposed to be leased or  
4 licensed, the terms of the lease or license, the location where offers  
5 to lease or license the property will be accepted, the location where  
6 leases or licenses will be executed, and any county officer  
7 authorized to execute the lease or license. If a lease or license is  
8 excluded from the bidding procedure, the actual monthly rental in  
9 the executed lease or license ~~shall~~ may not exceed a dollar limit  
10 that may be established by ordinance of the board, or, if no  
11 resolution is adopted, may not exceed ten thousand dollars  
12 (\$10,000), the term of the executed lease or license shall not  
13 exceed 10 years, and the lease or license is not renewable. The  
14 board of supervisors may, by resolution, authorize the county  
15 officer or officers as are deemed appropriate, to execute leases or  
16 licenses pursuant to this section. The county officer authorized by  
17 the board of supervisors to execute licenses pursuant to this section  
18 shall provide a notice to the supervisorial district office in which  
19 the property proposed to be licensed is located at least five working  
20 days prior to execution of the license. The notice shall describe the  
21 property proposed to be licensed, the terms and conditions of the  
22 license, and the name of the proposed licensee. If the supervisorial  
23 district office has not responded in writing objecting to the  
24 proposed license within five working days after the notice has been  
25 provided, the proposed license shall be deemed approved by the  
26 district office. If the supervisorial district office objects to the  
27 proposed license in writing within five working days, the license  
28 may be submitted for approval by the board of supervisors at a  
29 regular meeting.

30 (c) Notice pursuant to this section shall also be mailed or  
31 delivered at least 15 days prior to accepting offers to lease or  
32 license pursuant to this section to any person who has filed a  
33 written request for notice with either the clerk of the board or with  
34 any other person designated by the board to receive these requests.  
35 The county may charge a fee that is reasonably related to the costs  
36 of providing this service and the county may require each request  
37 to be annually renewed. The notice shall describe the property  
38 proposed to be leased or licensed, the terms of the lease or license,  
39 the location where offers to lease or license the property will be

- 1 accepted, the location where leases or licenses will be executed,
- 2 and any county officer authorized to execute the lease or license.

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